UNITED NATIONS

E

Economic and Social Council

Distr.
GENERAL

E/CN.4/S-3/SR.2
1 June 1994

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Third special session

SUMMARY RECORD OF THE 2nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 24 May 1994, at 3 p.m.

Chairman: Mr. van WULFFTEN PALTHE (Netherlands)

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The meeting was called to order at 3.35 p.m.

STATEMENT BY THE MINISTER OF AGRICULTURE, ANIMAL HUSBANDRY AND FORESTRY OF RWANDA

1. Mr. STRATON (Observer for Rwanda) said that his country was currently experiencing the worst tragedy in its history. That tragedy resulted from the unjustified war imposed on Rwanda by the Rwandese Patriotic Front (RPF) with the material, moral and political assistance of President Museveni of Uganda.

2. After the failure of its initial operations in October 1990, the RPF had begun infiltrations and surprise attacks leading to the massacre of civilians, particularly in the city of Ruhengeri in January 1991 and in Byumba and Ruhengeri prefectures in June 1992. Despite the cease-fire agreement of 12 July 1992, the RPF had resumed hostilities on 8 February 1993 and had engaged in selective massacres of about 150,000 innocent Hutu civilians. Even after the signing of the Arusha peace agreement on 4 August 1993, the RPF had continued its massacres, the most spectacular being those in the sub-prefecture of Kirambo (Ruhengeri), where 50 people had been tortured to death in the night of 17 November 1993, and in the communes of Mutara (Gisenyi) and Taba (Gitarama), as well as in Bugesera and Cyohoha-Rukeli, where 58 people, including 23 schoolchildren, had suffered the same fate.

3. The assassination of the Presidents of Rwanda and Burundi, together with their entourage, in the night of 6 April 1994, followed shortly afterwards by an RPF attack on the camp of the presidential guard, had been the last straw. Unable to contain themselves, some Rwandese army personnel had attacked the presumed high-level accomplices of the RPF, including Mrs. Uwilingiyimana, the then Prime Minister, and three members of her Government.

4. What had really fanned the flames, however, was the unilateral resumption of hostilities by the rebels, which revealed their true face, as RPF combatants engaged in systematic massacres of the Hutu ethnic group, in particular using the identity card that had once been a symbol for what they termed racial segregation in Rwanda. In areas controlled by the RPF, thousands of people had been savagely massacred and buried in mass graves prepared well before the start of the hostilities - further evidence of the RPF's bad faith observed throughout the efforts to implement the Arusha peace agreement. Worse still, where there had not been enough mass graves, President Museveni had called in bulldozers to bury the thousands of people massacred by the RPF. Those operations had been carried out hastily, for fear that humanitarian agencies visiting the area might witness the genocide.

5. It would be clear, therefore, that responsibility for the massacres, both before and after the killing of the Rwandese head of State, rested with the originators of the war unjustly imposed on the Rwandese people, and also with President Museveni of Uganda, who was unconditionally supporting the RPF in its fight to gain power.

6. Peaceful coexistence between the two main ethnic groups in Rwanda had been real and effective only under the regime of President Habyarimana, and had been regularly threatened under the First Republic by armed incursions of Rwandese refugees as part of a widespread terrorist campaign to overthrow the

republican regime by force. The Hutu had for centuries been dominated and treated as slaves, under a feudal and monarchical regime by the Tutsi and had been brainwashed into thinking that the Tutsi were innately superior. That regime had been rejected by the great majority of the Rwandese people in the social revolution of 1959, following which some Tutsi dignitaries had decided to go into exile abroad, later choosing the path of terrorism instead of responding to invitations to return from exile.

7. Since the RPF attack of 1 October 1990, the Rwandese Government had been making political and diplomatic efforts to put an end to the conflict, but the Arusha peace process had been hampered by party in-fighting and the RPF had taken advantage of the presence of its battalion of 600 men in the capital, nominally assigned to protect its officials and members of the transition institutions, and of the complicity of certain members of the United Nations Assistance Mission to Rwanda (UNAMIR), to make numerous infiltrations into Kigali and store arms and munitions in the Parliament building, which had served as their headquarters. It was perhaps not unworthy of note that, one week after the assassination of the Presidents of Rwanda and Burundi, the RPF had evacuated all its officials from Kigali to its base at Mulindi.

8. The death of President Habyarimana had shocked the Rwandese population and enraged some army personnel, who had reacted spontaneously by attacking certain leading figures suspected of involvement in the assassination. That was the background against which some killings had taken place, especially in Kigali, where the former Prime Minister, Mrs. Uwilingiyimana, had died. At the same time, on 7 April 1994, RPF elements had attacked the camp of the presidential guard and other parts of the capital, in violation of the Arusha peace agreement. Driven back by the Rwandese armed forces, they had moved into several districts of Kigali, engaging in systematic massacres of the civilian population. The RPF had also resumed hostilities on the northern front, jeopardizing the security situation in the rest of the country, where the civil war had spread, causing major loss of life.

9. It was in that context that Dr. Théodore Sindi-Kubwabo, the interim President, had appointed a new Prime Minister, Mr. Jean Kambanda, in April 1994 with the tasks of ensuring effective management of State affairs, emphasizing order and safety; continuing discussions with the RPF with a view to setting up transitional institutions; and taking vigorous measures to deal with the food shortage and provide relief to the stricken populations in certain prefectures and to persons displaced by the war.

10. Unfortunately, the RPF had not responded positively to the Government's offer of a dialogue and had intensified its guerrilla warfare against the Rwandese armed forces' positions and continued to exterminate innocent civilians in the capital. At the same time, it had embarked on a campaign of defamation against the Rwandese Government, asserting that it had been self-proclaimed in violation of the Arusha peace agreement.

11. The Government of the Rwandese Republic had always endeavoured to ensure respect for human rights in Rwanda and, if it had experienced difficulties in containing the violence, that was not for lack of good faith but because of the actions of the RPF, whose primary objective was to take power in Kigali by force. The Commission should condemn the RPF's bellicose attitude and call on

it once again to lay down its arms. The Government was, however, pleased to state that calm had been restored in the areas under the control of the Rwandese armed forces.

12. The Government was perfectly aware that massive human rights violations had been committed since the resumption of hostilities by the RPF on 7 April 1994. However, it appealed to the international community and the Commission to interpret the subsequent bloody events in Rwanda correctly and objectively. It requested the international community to bring pressure to bear on the parties to the conflict to conclude a cease-fire agreement and take all the necessary steps for a definitive cessation of the hostilities. It also reaffirmed its willingness to negotiate the conditions for implementation of the Arusha peace agreement, as the only legal framework capable of restoring peace and stability to the country. In addition, it reiterated its firm commitment to cooperate with the Commission to prevent any act that might violate the physical or moral integrity of the human person. Lastly, it was agreeable to an impartial and independent inquiry being conducted in order to identify and bring before the competent Rwandese courts those responsible for the killing of the head of State and the massacres which had been perpetrated throughout the country.

LETTER DATED 9 MAY 1994 FROM THE PERMANENT REPRESENTATIVE OF CANADA TO THE UNITED NATIONS OFFICE AT GENEVA ADDRESSED TO THE HIGH COMMISSIONER FOR HUMAN RIGHTS (agenda item 3) (continued) (E/CN.4/S-3/2 and 3; E/CN.4/1994/7/Add.1)

13. Mr. BISLEY (Observer for New Zealand) said that his country was appalled at the reported death toll in Rwanda and urged the Commission to use the special session to support Mr. Ayala Lasso, United Nations High Commissioner for Human Rights, in his efforts to gain respect for basic human rights principles. Evidence that much of the slaughter had occurred in areas under the control of the interim Government's armed forces was of particular concern, and there were disturbing signs of a systematic plan to kill off members of a particular ethnic group within the country. That constituted genocide and was a crime punishable under international law.

14. New Zealand supported Security Council resolution 918 (1994), but felt that it stopped short of what was really necessary and that a second phase of deployment of an expanded UNAMIR should be undertaken as soon as possible. His delegation endorsed the proposal to appoint a special rapporteur to investigate the human rights situation in Rwanda and report to the Commission within four weeks. The special rapporteur could be assisted by the Commission through its thematic rapporteurs and working groups, and also by a team of human rights officers, as part of a concerted United Nations effort to deal with various aspects of the situation.

15. While the Commission's primary concern had to be the violations occurring on a daily basis, it was also important to collect evidence of abuses which might constitute international crimes, in order that the perpetrators of atrocities could be brought to justice in accordance with international law. In that context, the time had come for the appropriate United Nations bodies to give urgent consideration to the establishment of mechanisms for the prosecution of persons responsible for grave human rights abuses of the kind witnessed in Rwanda in recent weeks.

16. Lastly, his delegation wished to acknowledge the efforts of the countries which bordered Rwanda to encourage the parties to the conflict to negotiate a political settlement and re-establish a cease-fire. Together with humanitarian organizations, those countries had struggled to cope with the outflow of refugees from Rwanda, and their contribution was highly valued. It was essential for the Commission to join with those already contributing in different ways to mitigating the crisis and preventing further human rights abuses.

17. Mr. SABOIA (Brazil) said that immediate and effective United Nations action was needed to address the human rights tragedy in Rwanda in all its aspects. His country had participated in the adoption of Security Council resolution 918 (1994), which strengthened UNAMIR and expanded its mandate to provide security for civilians and humanitarian operations, and believed that a lasting solution to the crisis could be found only in a political settlement based on the Arusha peace agreement. It therefore supported the efforts being made to that end by all relevant parties, especially by those of the region itself, notably the Organization of African Unity (OAU).

18. Ethnic conflict and political violence had been recurrent in Rwanda during colonial times and since independence, and the tragedy could not be said to be totally unexpected, particularly in the absence of institutions capable of promoting and protecting human rights. The international community must condemn the massive violations of human rights in Rwanda in the strongest terms and ensure that the facts were investigated and that those responsible were brought to account. The Commission must also establish appropriate monitoring mechanisms and appoint a special rapporteur, who should be given all necessary support by other human rights mechanisms and procedures. Institution-building and strengthening of the rule of law, through a wide-ranging programme of technical cooperation and financial assistance, were also essential to avoid a repetition of the tragedy.

19. In conclusion, he expressed appreciation for the initiatives of Mr. Ayala Lasso and for his report on the situation in Rwanda (E/CN.4/S-3/3). Action regarding that situation must continue to benefit from the High Commissioner's leadership and coordination.

20. Mr. BROTODININGRAT (Indonesia) said that the human rights situation in Rwanda warranted emergency attention from the international community and justified the convening of a special session of the Commission, which should support the Security Council's recent call for the cessation of hostilities and an immediate end to the violence and killings.

21. His delegation hoped that the Security Council's decision to expand the mandate of UNAMIR and to deploy some 5,500 peace-keeping troops in Rwanda would be implemented as soon as possible. It also commended the establishment of the United Nations Rwanda Emergency Office (UNREO), an initiative which deserved support from the donor community, and felt that it would be most appropriate for the Commission to echo an appeal for such support.

22. The Commission might consider requesting the United Nations High Commissioner for Human Rights to take effective measures to ensure the protection of refugees and internally displaced persons, as well as of

minorities. His delegation was open to the idea of appointing a special rapporteur on Rwanda or instructing the relevant thematic rapporteurs or working groups - apparently accepted by all parties concerned - to monitor and analyse the situation and to submit their recommendations through the High Commissioner as a matter of urgency. But perhaps the most important, albeit painful, lesson to be drawn from the situation in Rwanda related to the need not only for an early warning system but for preventive measures to deal with the root causes of potential human tragedies such as the one currently being addressed by the Commission.

23. His delegation pledged its full support and cooperation to the Commission in his efforts to discharge its difficult tasks.

24. Mr. DEMBINSKI (Poland) said that words were inadequate to describe the tragic sufferings of the people of Rwanda and to condemn those responsible for that tragedy. Nevertheless, his delegation wished to express its solidarity with the victims and their families and with the neighbouring nations.

25. His delegation endorsed the recommendations contained in the report of the United Nations High Commissioner for Human Rights (E/CN.4/S.3/3) and the High Commissioner's statement at the previous meeting. It also welcomed the in-depth report (E/CN.4/1994/7/Add.1) submitted by Mr. Ndiaye, Special Rapporteur on extrajudicial, summary or arbitrary executions.

26. It was not easy to say what the Commission could do in the present circumstances. However as the central intergovernmental human rights body of the United Nations, it was obliged to voice the opinion of the international community and to take adequate measures. They should include ensuring access to information and making an objective and continuous evaluation of the situation in Rwanda, an aim which could best be achieved by the appointment of a special rapporteur. The special rapporteur should be requested to report to the Commission rapidly and subsequently to disseminate periodic information to follow up the situation from the human rights angle. However, he should not be alone in his efforts, and it was vital to ensure concerted action by various special procedures of the Commission, as well as to deploy United Nations field officers to provide continuous monitoring of that situation.

27. The world was repeatedly confronted with death and suffering on a massive scale. All those responsible for such violations of human rights and of international humanitarian law had to be made aware, in the resolution to be adopted by the Commission, of the international community's determination to bring them to justice and not permit any form of impunity.

28. His delegation greatly appreciated the prompt action taken in Rwanda by the office of the United Nations High Commissioner for Refugees (UNHCR), the international Committee of the Red Cross (ICRC) and other organizations. It was a matter of absolute priority to guarantee free access to those bringing humanitarian relief to persons in need, and the Commission should call on all the parties to do so.

29. In accordance with the Vienna Declaration and Programme of Action, his delegation expected to see a human rights component in all United Nations

actions in regard to Rwanda, and he drew attention to the importance of an efficient flow of information concerning the situation there. In particular, the reports of the special rapporteur should be made available to all United Nations agencies and organs, including the Security Council. The human rights component should also be included in the future peace agreement. A humane solution in Rwanda required much more than a cease-fire between armed groups, which was only a first step, albeit an important one. To solve the humanitarian problems faced by the hundreds of thousands of victims of human rights violations, any peaceful settlement to the conflict should establish a stable framework for the restoration of human rights. In that regard, his delegation welcomed the announcement by the United Nations High Commissioner for Human Rights of the establishment of a programme for Rwanda within the technical assistance and advisory services scheme implemented by the Centre for Human Rights.

30. Mr. ENDO (Japan) said his delegation was alarmed over the killing of so many innocent civilians in Rwanda and sincerely hoped that the Commission, as the principal United Nations body for the promotion and protection of human rights, would successfully coordinate the international action needed to end the massive violations of human rights taking place there.

31. Japan hoped that the parties to the conflict would agree to a cessation of hostilities and begin peace talks on the basis of the Arusha peace agreement with a view to taking the necessary steps to build a nation based on democracy, respect for human rights and reconciliation among the different ethnic or political groups. In the meantime, it was essential for all parties to observe the international human rights instruments and for those responsible for human rights violations to be condemned.

32. The Government of Japan welcomed the prompt and effective reaction of the United Nations High Commissioner for Human Rights to the crisis and his successful visit to Rwanda and Burundi. Japan was greatly impressed by the High Commissioner's accomplishments in his first major mission and in particular by his detailed report on the situation (E/CN.4/S-3/3), which would serve as an excellent guide to solving problems.

33. Japan was also convinced of the need for a system-wide approach to the issue, and hoped that the High Commissioner would continue to consult closely with the Secretary-General and to play a major role in that coordination.

34. In addition to the appalling massacres and human rights violations, the situation in Rwanda had led to a major humanitarian crisis by creating huge numbers of internally displaced persons and refugees. Japan appreciated the efforts of Rwanda's neighbours to assist the refugees and urged the international community to provide protection and immediate aid for those in need. It welcomed the activities of the international humanitarian organizations and was currently giving consideration to contributions to them.

35. It was essential the special session be followed up by the appointment of a special rapporteur to investigate the human rights situation in Rwanda, with the full cooperation of all parties concerned. In addition, the Commission should explore the possibility of establishing a United Nations human rights presence in the region.

36. Mr. KOLOSOVSKY (Russian Federation) said that the reports of mass killings and grave suffering in Rwanda were appalling. Decisive action was needed by the international community to end the fighting and prevent a repetition of the tragedy.

37. The Russian Federation had appealed to the belligerents to stop the senseless bloodshed and return to the negotiating table, and had requested the United Republic of Tanzania, Uganda and Zaire to contribute to that end. It had also co-sponsored Security Council resolution 918 (1994) in the hope of stopping the bloodshed and improving the situation of refugees and displaced persons. In that connection, he wished to commend the heroic efforts of the international humanitarian organizations and to emphasize that the principle of unimpeded access by the needy to humanitarian aid and the safety of aid workers must be unconditionally observed.

38. The international community was again witnessing how bloody conflicts grew out of intolerance, lack of respect for human rights and freedoms, and disregard of the interests of minorities. Russia strongly condemned the gross violations of international humanitarian law and the crimes against the civilian population and representatives of international organizations. The Commission must contribute to the success of efforts towards reconciliation and agreement, on the basis of the Arusha accords, and send a clear signal that all those responsible for flagrant violations of humanitarian law would inevitably have to bear responsibility for their deeds.

39. The timely and bold initiative of the United Nations High Commissioner for Human Rights deserved the highest praise. In contact with the organs of the United Nations and OAU, Rwanda's neighbour countries and other States, he should continue his efforts, possibly acting as an intermediary, to restore respect for human rights in Rwanda. It would also be useful to designate a special rapporteur and a fact-finding team. However, that should lead to more than a simple cataloguing of crimes unaccompanied by suggestions for long-term solutions. Indeed, the Commission should be encouraged to draw more general conclusions from the Rwanda tragedy, concerning the effectiveness of its actions and the strengthening of its preventive functions, and regarding the need to take fuller account of human rights issues in efforts towards the political settlement of conflicts.

40. Mr. GARRETON (Chile) said that the human rights violations and crimes committed in Rwanda, whether by agents of the State or others, required coordinated action on the part of the United Nations, for which the Commission could furnish moral support, provided that the resolutions adopted at its special sessions made an effective contribution to alleviating the sufferings of thousands of human beings. Regrettably, that had not been the case with the proposals and recommendations adopted at the previous special session on the former Yugoslavia.

41. It was encouraging that the United Nations High Commissioner for Human Rights had visited the scene of the conflict in order to incorporate the human rights element into the overall political solutions that would restore ethnic, social and political co-existence. His action, founded on his moral

responsibility and on General Assembly resolution 48/141, had strengthened the bond between the United Nations and Africa, which had, perhaps for good reason, felt neglected by the Organization.

42. His delegation attached great importance to the coordinating role of the High Commissioner, who should receive unconditional cooperation from Governments and from society at large in order to promote and ensure universal respect for human rights and fundamental freedoms.

43. His delegation expressed its firm support for the High Commissioner's recent mission to Rwanda, which had been his first major task, and welcomed the excellent report he had submitted to the Commission (E/CN.4/S-3/3), which gave a clear description of the major human rights tragedy in Rwanda. His delegation also appreciated the valuable role played by other intergovernmental organizations, in particular UNHCR and ICRC, and by the non-governmental organizations (NGOs), which were once again marshalling international action to restore peace, sanity and co-existence.

44. In response to the deep-rooted, multifaceted conflict in Rwanda, it was necessary to focus on bringing an immediate end to the killing of civilians and gradually to consolidate the foundations of peace, co-existence and reconciliation on which a stable and lasting solution would be built. However, a lasting solution required a comprehensive and complex response. The crisis in Rwanda would not be ended merely by a truce. The unchecked armed confrontation was the result of cultural, economic and political factors that necessitated comprehensive action through social development, technical cooperation and international assistance.

45. Once the worst of the crisis was over, it would be necessary to launch a vast programme of human rights advisory services and international cooperation for the benefit not only of Rwanda, but also of its neighbours, for only a coordinated international effort was capable of laying down firm foundations, based on democracy and development, on which to build inter-ethnic co-existence.

46. In practical terms, his delegation believed that a special rapporteur should be appointed with the principal task of formulating recommendations to restore the rule of law in Rwanda and determining responsibility for the human rights violations and breaches of international law committed there. The special rapporteur should receive every support from the various other special rapporteurs and working groups. Moreover, the United Nations High Commissioner for Human Rights should continue to monitor the situation in Rwanda and neighbouring countries, and the presence of observers from the Centre for Human Rights, whose effectiveness had already been demonstrated, should contribute to the reconstruction of society and of State institutions to ensure the enjoyment of civil, political, economic, social and cultural rights. Furthermore, international assistance should contribute to strengthening technical assistance programmes aimed at prevention, and the experience under way in Burundi should be enhanced. The human rights component should also be incorporated in the network of inter-agency coordination in the region.

47. His delegation earnestly hoped that the decisions and measures to be taken by the Commission would contribute effectively to overcoming the crisis that had led to the convening of the special session and that those who placed their hopes in the Commission would not be disappointed.

48. Mr. JIN Yongjian (China) expressed appreciation for the efforts of the United Nations High Commissioner for Human Rights to put an end to the armed conflict and human rights violations in Rwanda.

49. Since the signing of the Arusha peace agreement in August 1993 there had been some positive developments in Rwanda, but, unfortunately, the situation had worsened after the death of the Presidents of Rwanda and Burundi. Civil war had plunged the whole of Rwanda into an abyss of misery and caused huge refugee flows into neighbouring countries. His delegation was greatly concerned by those developments.

50. The international community had not forgotten the sufferings of the people of Rwanda, and the United Nations, the OAU and Rwanda's neighbours had made numerous attempts to bring about a cease-fire through negotiation and the implementation of the Arusha peace agreement. By resolution 918 (1994), the Security Council had agreed to expand the mandate of UNAMIR and to increase its personnel with a view to enhancing security and alleviating the suffering of Rwanda's people.

51. His delegation hoped that the current special session would enable greater attention to be focused on the situation in Rwanda and prevent it from deteriorating further, as well as contributing to a political settlement of the problem in order to allow peace to be restored. To that end, his delegation believed that the two warring parties in Rwanda should strictly observe international human rights instruments and the Geneva Conventions and put an end to the indiscriminate killing of civilians. They should take concerted action in conjunction with the international community to ensure the smooth delivery of humanitarian assistance and the safety of refugees, and agree forthwith on an effective and lasting cease-fire so as to establish conditions for the settlement of the conflict by negotiation and commit themselves to resuming the peace process initiated by the Arusha peace agreement.

52. His delegation favoured appropriate action on the human rights situation in Rwanda and appreciated the efforts of the African countries in that respect. However, he reiterated his delegation's view that the Charter of the United Nations contained explicit provisions regarding the mandates of the Security Council, the General Assembly and the Economic and Social Council. Any action taken by the Commission should not go beyond its mandate, and his delegation, in accordance with its consistent position, was not in favour of linking the work of the Commission with that of the Security Council.

53. Mr. NGOUBEYOU (Cameroon) endorsed the statement made at the previous meeting by the representative of Zambia, in his capacity as Chairman of the African Group, as well as the opinions expressed in the message from the Secretary-General of the OAU.

54. His delegation could conceal neither its shock at the barbaric acts occurring in Rwanda nor its indignation at the international community's procrastination in response to the violence. It would be inappropriate to seek to lay responsibility for those acts elsewhere than on the communities living in Rwanda, whose political composition, which dated from the colonial period, made such excesses foreseeable. His delegation paid tribute to the thousands of victims who had been massacred solely for their ethnic identity or political allegiance, and expressed the hope that their sacrifice would permit the rebirth of that troubled region, less burdened by prejudice and hatred and graced with a stronger feeling of brotherhood.

55. The international community had been stunned by the indiscriminate massacres perpetrated after the accidental deaths of the heads of State of Rwanda and Burundi, which were in part attributable to the hesitancy of the United Nations at the peak of the crisis. Nevertheless, his delegation strongly condemned the abduction and execution of members of the United Nations peace-keeping forces and the physical attacks on NGO personnel operating in Rwanda.

56. The United Nations' decision to send a further 5,500 peace-keeping troops to help restore normal life in Rwanda was an indication of its determination to play its proper role when peace was under threat. The Commission's special session should send a signal to the warring parties in Rwanda of its determination to ensure observance of the universally recognized standards of humanitarian law by whatever means it deemed appropriate. The United Nations would not tolerate any attacks on the life of those who served it.

57. It should not be forgotten that the situation in Rwanda was also a threat to the region as a whole. In solving the problem in Rwanda, it was also necessary to seek ways and means of averting similar tragedies elsewhere. To that end, his delegation supported the suggestions made by the United Nations High Commissioner for Human Rights in his report (E/CN.4/S-3/3), and in particular the recommendations that those who had committed violations or ordered them should be held personally responsible, and that a special rapporteur on Rwanda should be appointed. He commended the High Commissioner for his bold decision to visit Rwanda in the present circumstances, congratulated the Assistant Secretary-General for Human Rights for having diligently prepared the special session of the Commission, and expressed gratitude to the Special Representative of the United Nations Secretary-General in Rwanda who had remained at his post in Kigali.

58. Cameroon and Rwanda shared a common destiny, and both were members of the Economic Community of Central African States, which was supporting the international community's efforts to define a suitable framework for negotiations on Rwanda.

59. The tragedy in Rwanda had led to a resurgence of the legitimate fear generated by the conflicts in Liberia, Somalia and elsewhere in Africa. It was paradoxical to observe the virtually peaceful transition towards democracy under way in South Africa, when other countries had such difficulty in overcoming their tribal antagonisms. The current crisis in Rwanda was not just another ethnic and political conflict. It posed a threat to Rwanda's neighbours and it was perhaps time to examine the harm done by enforced

transitions to democracy in fostering the disintegration of small nation States. Accordingly, the international community should show greater imagination in seeking means of averting a repetition of the crisis in Rwanda in neighbouring countries or in other regions of the world. His delegation would support any concerted effort to put an end to the tragedy in Rwanda.

60. Mr. LONTAI (Hungary) said that the Hungarian people shared the anguish and despair of the civilized world at the events in Rwanda, which it resolutely condemned. No political combat or historical grievances could justify irremediable suffering among the innocent civilian population, and for that reason his Government had strongly supported the convening of the special session. His Government appreciated the efforts of various United Nations bodies and of NGOs to identify the causes of the conflict and to bring it to an end, and particularly commended Mr. Ndiaye, Special Rapporteur on extrajudicial, summary or arbitrary executions, on his report (E/CN.4/1994/7/Add.1), which provided a thorough analysis of the roots of the conflict and put forward well-founded recommendations. It also appreciated the sense of initiative and courage of the United Nations High Commissioner for Human Rights.

61. His delegation would lend its support to a resolution that adequately addressed the problems in Rwanda. He emphasized the importance of appointing a special rapporteur and organizing on-the-spot monitoring. His delegation also endorsed the measures proposed with regard to the responsibility of the perpetrators of violations.

62. He drew attention to the fundamental importance of ethnic rivalry and the violation of the human rights of minorities in numerous conflicts that commanded the Commission's attention, as exemplified by the situation in the former Yugoslavia and the current conflict in Rwanda. More effective measures were necessary to ensure international protection for minorities, and preventive measures, to which his Government had already drawn attention in respect of the former Yugoslavia, were of fundamental importance. The task of the international community, and of the Commission, was not merely to put an end to the massacre in Rwanda, but to ensure that it did not spread.

63. Mr. DOBREV (Bulgaria) said that the Bulgarian people had learned with dismay and horror of the massacres perpetrated in Rwanda. He expressed his delegation's gratitude to the United Nations High Commissioner for Human Rights for his response to that disaster and to the Government of Canada for proposing the convening of the special session of the Commission.

64. An ethnic conflict of such magnitude could not remain unchecked without setting a very dangerous precedent for the region. Effective international action to avert any further escalation was urgently needed. In particular, all those who had perpetrated and instigated the human rights violations should be held personally responsible for their acts, which constituted international crimes and even genocide. His delegation supported the proposal to appoint a special rapporteur on Rwanda and believed that, in view of the extreme polarization of Rwandese society, the only way of ensuring due process was to establish an ad hoc international tribunal. The international community had a duty to declare illegal the consequences of the ethnically motivated hostilities. Moreover, the United Nations' efforts to put an end to

the ethnic conflict should necessarily comprise a human rights component, and his delegation endorsed the proposals made in that regard by the High Commissioner. Lastly, he said that no peace was durable unless it was based on an agreement that took into account the legitimate rights and interests of all parties concerned. The Arusha peace agreement of 4 August 1993 constituted the basis for a peaceful settlement to that brutal conflict, which would require considerable effort and patience, and to which the advisory services of the Centre for Human Rights could make a valuable contribution.

65. Mr. CURE (Mauritius) said that the special session of the Commission, which reflected the international community's feelings of guilt and shame at its impotence, faced a twofold task: first of all, to draw clear conclusions from that failure to act and, secondly, to adopt tangible solutions concomitant with the moral responsibility of the Commission, which was the supreme authority for their protection. Among the questions that the Commission must address were how the tragedy in Rwanda could have occurred so shortly after the conclusion of its fiftieth session and without the human rights machinery and institutions being able to do anything to prevent so blatant a violation of the right to life itself, despite the warning issued by the Special Rapporteur on Rwanda, Mr. Ndiaye, and why the Commission had decided to maintain the confidential procedure when the situation had already been so precarious. Those questions required an answer in order to avoid other humanitarian catastrophes. Although not strictly within the Commission's brief, it was also necessary to investigate the impact of clandestine arms supplies on the virulence of the conflict. The presence of armed militias had undoubtedly further destabilized an already highly complex situation and greatly complicated the brave efforts of ICRC and UNHCR.

66. It was unfortunate that the institutions established to protect human rights should suffer such a setback at the very time they were developing more effective procedures and means of intervention. It was doubly important for the Commission to draw conclusions from that failure and to adopt specific and bold measures permitting more decisive preventive action in the future. In particular, the special session should propose that priority should be given to the dispatch of large-scale emergency humanitarian assistance and support the efforts of the Security Council to put an end to the massacres and restore law and order. It should also foster efforts at national reconciliation and rehabilitation, inter alia within the framework of the OAU, and propose the preparation of an emergency plan to assist refugees and set up a system of monitoring and protection. Moreover, a special rapporteur should be appointed to investigate the causes of the conflict and the human rights violations in Rwanda and an official procedure instituted to consider the conclusions of that inquiry and establish the facts in order for the international community to punish those responsible. Any domestic inquiry would not have the same exemplary force and might even rekindle tension. It was by such tangible measures that the Commission and the international community as a whole could redeem themselves and restore respect and confidence in human rights standards and institutions.

67. Mr. ENNACEUR (Tunisia) endorsed the statement made at the previous meeting by the representative of Zambia in his capacity as Chairman of the African Group. Tunisia, which had been one of the first States members of the

Commission to support the convening of the special session, had done so because it shared the international community's concern at the human tragedy ravaging the people of Rwanda. The Commission had to consider what it could do to remedy the tragedy and avoid its repetition. In that regard, he paid tribute to the United Nations High Commissioner for Human Rights for his courageous initiative and his valuable report (E/CN.4/S-3/3), together with his pertinent proposals.

68. The horror of events in Rwanda was sufficiently documented to justify the indignation and condemnation of the international community. Beyond that indignation, the Commission's attention should focus on the fact that those massive violations of human rights had been organized principally by the warring parties and essentially perpetrated against civilian populations selected on the basis of their ethnic identity. Such acts could surely be described as genocide, and it was the Commission's duty to provide a legal categorization of the crimes committed in Rwanda, to establish the facts and subsequently to bring those responsible before an appropriate court to incur the punishment they deserved. Such were the issues that had to be addressed by the Commission, as international public opinion expected not merely expressions of indignation and compassion, but tangible measures that would reinforce the credibility of the international community in ensuring effective protection for human rights. In that regard, his delegation welcomed the adoption of Security Council resolution 918 (1994) and expressed the hope that its provisions, in particular that relating to an expansion of the UNAMIR force to strengthen the United Nations mission on the spot, would rapidly be implemented. His delegation had also taken note of the encouragement given in that resolution to the continuation of efforts, in coordination with the OAU, to put an end to the conflict.

69. Beyond the measures which the Commission was duty-bound to adopt or, as appropriate, to suggest to the Security Council, the special session should be the starting-point for a searching review of ways of preventing the conflict from spreading to neighbouring regions and of averting its repetition elsewhere. Despite the range of international conventions and machinery for protecting civilians during armed conflict, the issue was still one of grave concern for the international community, all the more so as domestic armed conflict was increasingly inspired by ethnic considerations. The Commission should consider the issue in depth and propose such amendments as were necessary to the existing conventions and procedures, in order to ensure universal and effective protection of human rights under all circumstances.

70. He expressed the hope that the Commission would adopt measures which would contribute effectively to achieving a lasting solution to the crisis in Rwanda, and reiterated his gratitude and encouragement to Rwanda's African neighbours, which continued to accept refugees in their territory despite their economic difficulties and the serious environmental consequences of that influx. He urged the international community to provide adequate funding and assistance to Rwanda and to its neighbours which had taken in Rwandese refugees.

71. Mr. STROHAL (Austria) said that the massacres in Rwanda were a humanitarian catastrophe and a human rights emergency. They went beyond manifestations of civil war to raise the question of genocide, a question to

which the international community would have to find an answer. Urgent action was needed, as the United Nations High Commissioner for Human Rights had so forcefully stated at the outset of the special session.

72. Austria was impressed by the High Commissioner's courageous initiative in visiting Rwanda, and it fully agreed with the conclusions and recommendations contained in his report (E/CN.4/S-3/3). It was now for the international community, as represented in the Commission, to take urgent action to deal with the human rights tragedy in Rwanda, which was similar to the one that had led to the Commission's first two special sessions, namely the situation in the former Yugoslavia.

73. In line with the High Commissioner's conclusions, his delegation recommended that certain main tasks should be undertaken on an emergency basis.

74. Firstly, everything had to be done to stop the killings. The deployment of United Nations troops, in accordance with Security Council resolution 918 (1994), should contribute to that over-riding objective. Its realization, however, lay in the first instance with the parties themselves, in particular the Rwandese armed forces, the presidential guard and the militias close to the interim Government.

75. Secondly, responsibility for the atrocities had to be clearly determined, as reports indicated that they had been premeditated. The Commission should stress that all persons perpetrating or authorizing grave human rights violations should be brought to justice in accordance with international principles. In that context, an examination of the possibility that the crime of genocide had been committed was particularly important.

76. Thirdly, the Commission should appoint a special rapporteur to report on all violations of human rights and present conclusions as rapidly as possible to the international community, including the Security Council. His reports, the first of which should be completed within a few weeks, should examine the violations, identify responsibilities, and indicate why such horrors had been possible, what their underlying causes had been and how further atrocities could be prevented. Mr. Ndiaye, Special Rapporteur on extrajudicial, summary or arbitrary executions, had already attempted such an analysis in his recent report (E/CN.4/1994/7/Add.1), the full significance of which might not have been apparent at the time.

77. The special rapporteur would need comprehensive support: in addition to the relevant thematic mechanisms of the Commission, a field presence of the Centre for Human Rights would have to be urgently established, as the United Nations High Commissioner for Human Rights had suggested.

78. Besides protection, the huge numbers of refugees and displaced persons needed adequate assistance. He called on the interim Government to ensure the rights of all individuals and to cooperate with the international relief efforts, in which the ICRC and the NGOs played a major role.

79. The countries neighbouring on Rwanda, especially the United Republic of Tanzania and Burundi, needed urgent assistance from the international community. Austria was already participating in those efforts through its military observers in Rwanda. It fully supported the OAU's efforts to strengthen the involvement of the countries of the region. The creation of humanitarian zones should be urgently pursued by all concerned.

80. He wished to point out three further priorities in the tragedy in Rwanda. Firstly, all parties to the Arusha peace agreement should be brought to respect it and regional efforts in that regard should be encouraged. Secondly, in line with the High Commissioner's proposal on longer-term objectives, all future United Nations attempts at peace-building in the Rwanda area must be accompanied by a strong human rights component. Finally, such a component should contribute to strengthening international capacities to prevent human rights violations in Rwanda and elsewhere, including better early warning, confidence-building, strengthening of national human rights infrastructures and improvement of protection for minorities. He was confident that the Commission would take urgent action, within its area of competence, to complement the efforts of the Security Council.

81. Mr. CHANDRA (India) said that India's unhesitating support for the holding of the special session stemmed from its firm commitment to human rights, its sense of solidarity with the people of Rwanda and its feeling that the Commission was the appropriate forum to take up the human rights dimension of the situation in Rwanda.

82. That situation had assumed alarming proportions. The large-scale massacres and displacements of populations posed serious problems not only internally but for bordering States. The sufferings of hundreds of thousands of Rwandese required immediate and impartial humanitarian assistance, in which his Government was already participating. Further loss of life, especially of civilians, should not be allowed to occur, and at the same time measures needed to be taken with an eye to the future. The Security Council was dealing with the situation in Rwanda and had quite correctly addressed itself to the maintenance of peace and security.

83. The United Nations High Commissioner for Human Rights was to be commended on his report (E/CN.4/S-3/3), which contained several recommendations that warranted careful study, and on his exemplary courage and dedication in undertaking a mission to Rwanda in the most trying circumstances.

84. In performing its duties, the Commission should seek to preserve its specialized character. It was India's consistent position that the various United Nations bodies should restrict their deliberations and actions to their respective spheres of competence, as defined by the Charter.

85. The Indian delegation strongly supported the appointment of a special rapporteur on the situation of human rights in Rwanda, but it questioned the propriety of suggesting that his report should be made available to the Security Council before it was considered by the Commission and the General Assembly. That would set a precedent that would diminish the importance of the Commission and create a new mandate for the Security Council.

86. What the Commission needed to do was to address questions that would lead to the restoration of human rights in Rwanda. Individual responsibility and accountability for abuses were important. Such accountability lay with the people of Rwanda themselves, and individuals who had violated human rights should be brought to justice under the aegis of the national jurisdiction.

87. The question of deploying field officers, or human rights monitors, should be considered with care in each case, as it was a delicate step with far-reaching implications and success was predicated on consent. Once peace returned to Rwanda, advisory services and technical assistance should be provided on the basis of consent.

88. Mr. SAHLOUL (Sudan) expressed gratitude to the United Nations High Commissioner for Human Rights for his visit to Rwanda and his assessment of the situation, which proved that there had been a massive tragedy in which hundreds of thousands of civilians had lost their lives. It was imperative for the Security Council to move at last to bring order to a chaotic situation.

89. His delegation had not been enthusiastic about the convening of the current special session, considering that the most immediate need was forceful intervention by the international community rather than the investigation of root causes and establishment of guilt. Because of the absence of relevant judicial machinery and the competence of the national jurisdiction, the perpetrators of the massacres could not be brought to justice. The international community's wish to set up an international tribunal for that purpose had not been met, since the Secretary-General had not provided the necessary support for such a tribunal to begin its task with regard to the Bosnian conflict. The deployment of human rights personnel in Rwanda could not be undertaken without the express consent of the authorities, and their deployment in the adjoining countries would only complicate the problem and have a negative effect on relations between Rwanda and its neighbours. His delegation also believed that any investigation undertaken in the present circumstances would only complicate the political process, which was, as the representative of Finland had stated, a prerequisite for any sustainable improvement in the human rights and humanitarian situation of Rwanda.

90. The action undertaken by the High Commissioner had been useful in conveying the indignation of the international community to the warring parties. The thrust of the Commission's action should be to convince those parties that the international community's patience was wearing thin and that sterner measures would be sought if the ongoing massacre was not halted at once. The international community should also heed the Rwanda appeal issued by international organizations directly involved in the humanitarian operations.

91. In conclusion, his delegation believed that the actions of the Security Council and the Commission should be kept on separate and parallel tracks. Any confluence of the two organs would only heighten the political dimension that the Commission's deliberations had begun to acquire and dilute the very important moral and humanitarian aspects of its mandate and activities.

92. Mr. AZEEZ (Sri Lanka) expressed his delegation's appreciation to Canada for requesting the special session and to the members of OAU for conducting consultations in advance of the session.

93. Sri Lanka had been deeply shocked by the tragic developments that had recently engulfed Rwanda. The hundreds of thousands of innocent civilians estimated to have died in the previous six weeks and the massive numbers of internally displaced persons bore ample testimony to the magnitude of the disaster. Rwanda's neighbours should be commended for providing refuge to those fleeing the country, and the international community, humanitarian agencies and NGOs should be called upon to provide the assistance needed to prevent those Rwandese who had escaped death from falling prey to hunger and disease.

94. The documentation before the Commission provided credible information on the background to and the evolution of the situation in Rwanda. While expressing its solidarity with the victims of the tragedy, his delegation wished to remind the Commission that its deliberations should be confined to the human rights and humanitarian aspect of the situation. While the massacres, displacements, starvation and epidemics in Rwanda were all too well substantiated, the full extent of the drama would be understood only after a carefully planned, adequately resourced study was undertaken, and he hoped that the Commission would call for such a report to be submitted to a further special session.

95. Referring to Security Council resolution 918 (1994), he noted that the success of United Nations operations depended on the cooperation, or at least lack of hostility, of all parties to the conflict. The Commission would therefore do well not to endorse policies that would directly or indirectly serve to exacerbate the existing situation.

96. Although the political developments in Rwanda lay outside the Commission's mandate, failure to achieve a political settlement would simply lead to recurrent outbreaks of violence. The Commission should urge the parties to the conflict to direct their energies towards a lasting political solution. The solution to the problem should come from the Rwandese themselves and not be imposed by outside forces. The Arusha peace agreement testified to the willingness of the Rwandese to address all issues, and the parties to the conflict should be encouraged to rededicate themselves to the Arusha peace process.

97. Mr. GONZALEZ (Colombia) said that his country had enthusiastically supported the Canadian proposal to convene a special session of the Commission for three reasons: firstly, international public opinion must react to the genocide - for that was what it was - occurring in the country; secondly, the problem involved was one of flagrant violation of human rights; and, thirdly, the United Nations system must not be allowed to remain a dead letter.

98. The main purpose of the special session should be to restore peace between the parties to the conflict. To that end, potential solutions must take into account the African countries' point of view, as well as the

terrible burden on neighbouring countries created by the situation in Rwanda. Furthermore, the perpetrators of the crimes must not be allowed to go unpunished.

99. Colombia supported the appointment of a special rapporteur on the human rights situation in Rwanda. It commended the excellent work of the United Nations High Commissioner for Human Rights and called on the international community to increase humanitarian aid to Rwanda.

100. Mr. GUTIERREZ (Peru) said that the indiscriminate killing of civilians in Rwanda had reached alarming levels that required urgent international action. His Government supported efforts by the United Nations, and in particular by the Security Council, to reach a political solution to the conflict. It was now for the Commission to address the human rights aspect of the crisis. To that end, the useful report and recommendations of the United Nations High Commissioner for Human Rights indicated possible directions for the Commission to follow. However, the Commission should respect the political framework already established by other mechanisms. Any effort by the international community would be futile unless the parties themselves showed sufficient political will to lay the bases for a lasting solution to the problem.

101. In conclusion, he emphasized the importance of supporting the High Commissioner's efforts, and he trusted that the draft resolution being prepared would give appropriate importance to the central coordinating role that the High Commissioner should play.

102. Mr. FASEHUN (Nigeria) said that his delegation endorsed the statement made at the previous meeting by the representative of Zambia, speaking as Chairman of the African Group in Geneva.

103. The magnitude of the tragedy in Rwanda was reflected in the number of dead, estimated at 250,000 to 500,000. Another 300,000 persons had fled the country to seek refuge, mainly in the United Republic of Tanzania. Close to 2 million had been displaced. Nigeria condemned those massive violations in strong terms, as it also condemned those who manipulated ethnicity for the sake of political power.

104. The Commission must address issues which related to human rights and humanitarian law, and other appropriate United Nations organs must also be encouraged to perform their duties swiftly, speedily and without equivocation. The Commission's principal task was to reflect the international community's moral outrage at the carnage in Rwanda and to activate all mechanisms that would restore human rights in the country. The United Nations High Commissioner for Human Rights had recommended a series of measures to that end, which his delegation endorsed. In particular, it called on the Commission to appoint a special rapporteur to examine all human rights aspects of the situation. It also agreed with the High Commissioner that there should be a team of human rights field officers acting in close cooperation with UNAMIR and other United Nations organs to monitor the human rights situation in Rwanda.

105. It was urgent for the parties to the civil war in Rwanda to abide by a cease-fire under United Nations auspices, facilitate United Nations assistance

in their country and revive the Arusha peace agreement, which remained a viable peace plan. The leaders of Rwanda must agree to share power, to eschew violence in pursuit of political objectives and to transcend ethnic hatred. Finally, those who had ordered or engaged in the carnage should be held personally responsible for murder. The Commission must adopt a resolution sending a strong message that the international community would never again sit by while murderers killed their people on a mass scale under the cloak of State authority.

106. Mr. PINOARGOTE (Ecuador) expressed his delegation's appreciation for the visit made to Rwanda by the United Nations High Commissioner on Human Rights, and his report to the Commission (E/CN.4/S-3/3). It also endorsed the High Commissioner's suggestions regarding the appointment of a special rapporteur, the need for a comprehensive programme of human rights assistance, the determination of responsibilities and the adoption of measures to put an end to the genocide. At a time when human rights violations were escalating throughout the world, the question of punishment for those crimes was a historic duty that the Commission could not shirk.

107. Mr. NASSERI (Islamic Republic of Iran) said it was ironic that, with the frustrating bipolar rivalries of the cold war over, the international community was having to face more extreme situations of massive violations of human rights and cold-blooded massacres than before. It had become clear that, despite the assertions that, in the post-cold war era, a homogeneous world based on the Western model would emerge, history had made a U-turn and gone back to basics. Nationalism, ethnicity and racial and tribal orientations had become the major sources of conflicts and bloody confrontations at various levels in different parts of the world.

108. The tragic massacres in Rwanda ranked among the most horrifying human rights disasters of recent years. Yet they had aroused little political interest and only marginal public attention, which meant that action by the international community was limited and ineffective.

109. There was no doubt that the total number of dead stood at hundreds of thousands. The killings had been mostly indiscriminate and aimed particularly at children. Entire families had been executed, and no one had been spared, not even medical workers and relief personnel. The events in Rwanda were a rare case of the systematic massacre of a part of a population, which had few precedents in the world today.

110. The question was what the international community could or should do. The appointment of a special rapporteur with a mandate to investigate the situation and to report to another emergency session of the Commission was of course one option. However, it should be understood that, if the present circumstances continued, it would be difficult for such a rapporteur to reach the areas worst hit by the carnage and hence to draw up a report which accurately reflected the real situation on the ground.

111. The Commission should also severely condemn those responsible for the atrocities. However, at the same time, it should call for the immediate provision of assistance to the refugees and the internally displaced. UNHCR, which had been heavily involved in Burundi during the preceding six months,

had stretched its protection to cover the refugees in the border areas. However, the most vulnerable people were those displaced inside Rwanda, to whom there was no access and who were thus unaided.

112. Every effort should be made, particularly at the regional level, to bring the rival parties to agree to a cease-fire and subsequently to begin negotiations directed towards a settlement, even though that would be no easy matter. The Arusha peace agreement could serve as a basis for such efforts.

113. His delegation was concerned that the United Nations presence, which would have been so vital during the previous six weeks, had been substantially reduced. Despite the obvious risks involved, if other humanitarian organizations had chosen to stay, there was no reason why the United Nations should have acted so differently. It was, therefore, essential to examine more closely the way in which the United Nations engaged itself in such situations if such involvement was to be genuinely useful.

114. Of even greater concern was the recent decision of the Security Council to avoid an effective engagement and merely call for an investigative mission. By the time the resultant report was made available to the Council, hundreds of thousands more people could have been massacred. Although prudence was obviously needed before committing United Nations troops, particularly after the blunder in Somalia, there was no time to vacillate in Rwanda, where the lives of so many were at stake.

115. Furthermore, there was no reason to transmit a copy of the report from the proposed special rapporteur to the Security Council. It would take at least one month for that report to be prepared, thereby providing a pretext for further hesitation.

116. Lastly, a call for the deployment of human rights monitors was premature, as the eventual role of the United Nations in peace-making and peace-keeping operations was still unclear.

117. The CHAIRMAN extended a welcome to the observer for South Africa, whose delegation had not taken the floor in the Commission for many years.

118. Mr. EKSTEEN (Observer for South Africa) said that the tragic situation in Rwanda was of overwhelming importance to the international community in general and to the people of Africa in particular. The concept of human rights had been a beacon for South Africa during its transition process. The new Constitution provided a historic bridge between the past of a deeply divided society characterized by strife, conflict, untold suffering and injustice, and a future which would be founded on the recognition of human rights, democracy and peaceful coexistence and development opportunities for all South Africans irrespective of colour, race, class, belief or sex. With the adoption of the Constitution, the foundations had been laid for South Africans to transcend the divisions and strife of the past, which had generated gross violations of human rights, the transgression of humanitarian principles in violent conflicts and a legacy of hatred, fear, guilt and revenge. The Constitution included a chapter on fundamental rights which had become part of the supreme law of the land.

119. The Commission's special session was the first major United Nations meeting to be attended by South Africa since the inauguration of its newly elected President. South Africa had now become a member of OAU.

120. Although joining the African family of nations was a cause for celebration, the events in Rwanda were of great concern. The situation posed enormous challenges to the Commission and other United Nations bodies. Immediate action was essential and any delay would be seen as indifference. The Minister for Foreign Affairs of South Africa had already declared that South Africa would remain in close contact with the United Nations and OAU on the issue.

121. Mr. SANAD BASTA (United Nations Children's Fund) said that UNICEF's Executive Director had recently appealed to the belligerents in Rwanda to spare the children and other civilians who had been unwittingly caught up in the conflict. UNICEF had also called for an end to that terrible situation when it had addressed the Committee on the Rights of the Child the previous month and had suggested the establishment of a tribunal to try the murderers of women and children, and even the introduction of a special category of war crime relating to the killing of women and children in conflicts around the world. Despite the entreaties of the United Nations Secretary-General, the United Nations High Commissioner for Human Rights and many countries including France, Nigeria, the Islamic Republic of Iran, Finland, the United States of America, Australia and Greece, the killings had continued and the guilty parties were acting with relative impunity.

122. Furthermore, hatred had long been a feature of radio broadcasts and press articles in Rwanda and made part of the education given to children in some of Rwanda's schools and homes, in direct contravention of human rights instruments, in particular the Convention on the Rights of the Child, which Rwanda had ratified in January 1991. It was essential for a solution to ethnic hatred to be found. Ignoring such antagonism inevitably led to disasters of the kind being witnessed in Rwanda.

123. Against all the odds, UNICEF had endeavoured to protect and assist children in Rwanda since the beginning of the conflict. In the United Republic of Tanzania, the massive influx of refugees had continued. UNICEF had cooperated with the Tanzanian Government for many years, and it was currently implementing an intensive aid programme to provide for the immediate health needs of refugees and at the same time ensuring that the resources of local communities were not depleted. However, greater assistance was needed in the form of medicines, food and other essentials.

124. Mr. LAMUNIERE (Director, Department of Humanitarian Affairs) said that his Department's participation in the Commission's special session showed how the work of the two bodies could and should be of mutual benefit.

125. In all conflicts, whether internal or international, the United Nations, through its various organs and procedures and out of respect for its Charter, was duty bound not only to feed, house, care for and protect the victims but also to do its utmost to foresee, contain or stop those responsible for the situation.

126. Such crisis management was not clearly within the mandate of United Nations humanitarian agencies. However, given the potential dangers in Rwanda and elsewhere, respect for human rights and humanitarian assistance would inevitably become closely linked.

127. In Rwanda, thousands of victims were being brutally killed and humiliation and torture had become common in Kigali and throughout the country. Political opponents of every persuasion had been silenced or had disappeared in an effort to wipe out any alternative to savagery, hatred and blind intolerance.

128. The first priority for the international community was to voice condemnation of the situation. Secondly, it should provide assistance to the victims as soon as possible and without discrimination, as the survival of thousands of people depended on a speedy response. Through that, it would be possible, at least in part, to guarantee the most fundamental and inalienable human rights: the right to life, the right to food, and the right to housing. The Under-Secretary-General for Humanitarian Affairs, Mr. Hansen, had, at the outset of the crisis, gone to Kigali to assess the most urgent needs and the conditions and options for intervention. Since then, there had been a continuous humanitarian presence in Kigali, providing a backup for UNAMIR. In Kigali and many other parts of the country, the exemplary work of ICRC teams which had never left Rwanda should be applauded. UNHCR, UNICEF, the World Food Programme, NGOs, and other bodies had also provided essential support to refugees and displaced persons.

129. There were enormous difficulties in Rwanda, and humanitarian supplies should not become a political or military pawn. In a situation where security problems were acute, the prerequisite for humanitarian assistance from the United Nations was permanent access to victims. That was of supreme importance, and the primary goal of the Department, as it had been in Angola and elsewhere.

130. Humanitarian aid did not have a direct impact on the war, and the ultimate humanitarian action was in fact to establish peace. Humanitarian efforts had to be supported by political action to maintain or restore peace. That was no easy task, as it had to be carried out whilst respecting the integrity and neutrality of humanitarian operations.

131. Respect for humanitarian standards had to be strengthened. The United Nations had a duty to remind the parties to the conflict of the rules of humanitarian law and of human rights, and to develop binding mechanisms to penalize gross violations of such standards. There were already grounds for measures which fully respected the principles of the Charter of the United Nations, to be taken against the parties to the conflict.

132. Ultimately, there was no doubt that the solution to the humanitarian crisis in Rwanda lay in reconciliation. Although humanitarian assistance was no substitute for peace, it could at least mitigate the harsh effects of the war. Until peace had been restored, all possible efforts had to be made to save the lives of hundreds of thousands of people threatened by the continuing widespread violence.

133. The Department of Humanitarian Affairs supported the appointment of a special rapporteur for Rwanda and the establishment of a network of human rights monitors. It would also work to improve coordination among the many actors already involved in dealing with the various aspects of the crisis in Rwanda.

134. Monsignor TABET (Observer for the Holy See) said that the atrocities in Rwanda had been exposed to the world by the media. An ethnic group was being threatened with genocide and members of opposition parties or individuals trying to help people on the run had been ruthlessly murdered. The massacres in Kigali, Kibungu and Gisenye had led to an escalation of the conflict as the RPF retaliated, and hence the vicious spiral of revenge had begun. The church itself had paid a high price and had lost many of its priests and nuns, and thousands of people had been slain in the churches where they were seeking refuge.

135. The immediate consequences of such widespread violence was the forcible displacement of hundreds of thousands of people, a shortage of food and a serious risk of epidemics.

136. Pope John Paul II had condemned the situation on several occasions, appealing to the consciences of those who had planned and carried out the massacres and reminding them that they would have to answer for their crimes before history and before God.

137. The Commission's special session should, above all, awaken people's consciences so that everything possible could be done to end the violence and restore peace and respect for human rights.

138. The tragedy had many causes. On 20 November 1993, the Bishops of Rwanda had stated that the national crisis was partly the product of efforts to concentrate everything in one region and in the hands of one ethnic group. The unfair distribution of powerful positions was just one example. The Arusha peace agreement of 4 August 1993 had aimed to turn a new page with regard to discrimination and restore national unity. Unfortunately, the agreement had not been to the liking of all sides and its implementation had been hindered, with ethnic arguments being used to divide the parties. Hatred and divisions had multiplied as a propaganda campaign took hold and armed militias proliferated.

139. The international community had failed to recognize the warning signs that the crisis was about to erupt, including the massacres at Kibilira, Bugesa and Gisenye-Kibuye, or to denounce those who were working against peace and unity so that they could be stopped in time. Deliveries of arms to an already impoverished country had merely aggravated the situation.

140. An appeal should be made to the Government of Rwanda, the armed forces, the local militias and the RPF to ensure full respect for the human rights of all Rwandese to end the killing of civilians and negotiate a cease-fire.

141. The United Nations, OAU and nations of goodwill should do everything possible to ensure that an effective United Nations presence helped to put an immediate end to the massacres, as a prerequisite for a cease-fire.

Furthermore, efforts should be made to encourage a resumption of talks between the warring factions and begin the process of negotiation. To that end, Security Council resolution 918 (1994) was a positive step.

142. Efforts to restore peace should refer back to the Arusha peace agreement and take note of the statement by the Rwandese Episcopal Conference that everyone was equal and had the same rights and therefore no ethnic group, region or clique had the right to monopolize the country.

143. The Holy See, while recognizing the efforts of international organizations such as ICRC and UNHCR and of bordering countries which had welcomed hundreds of thousands of refugees, also called on the international community to provide humanitarian assistance on a scale which would cater fully to the needs of the population. The Catholic Church, particularly through Caritas Internationalis, was already working to that end.

144. The Commission should do everything in its power to ensure that a serious and exhaustive investigation of the massive human rights violations in Rwanda could be carried out and bring the guilty parties to account. It should also work towards gradually re-establishing a legal order based on justice and respect for rights and fundamental freedoms.

145. Efforts at material reconstruction would be worthless unless attempts were also made to ensure moral reconstruction.

146. Mr. DEGUENE KA (Observer for Senegal) recalled that in 1993 the Commission's Special Rapporteur on extrajudicial, summary or arbitrary executions had alerted the international community to the problems in Rwanda, and had made a number of valid recommendations, which had not been taken up.

147. Human and political rivalries had led to an unprecedented outbreak of violence in Rwanda, which in six weeks had left approximately 500,000 people dead and more than 1 million refugees and displaced persons. As usual, civilians were the main victims. Thousands of people were starving, or had been tortured, massacred or gone into exile.

148. Through the mass media, the horrific scenes in Rwanda had been disseminated throughout the world. It was therefore permissible to ask why international machinery had not come into action immediately. Much remained to be done by the international community to set up appropriate mechanisms to prevent and manage conflicts which could help to reduce the sufferings of populations in times of crisis.

149. The Commission should look closely at how the United Nations could help to guarantee the people of Rwanda full enjoyment of their inalienable rights, in particular their right to life. It should also participate actively in initiatives designed to create the conditions for reconciliation and understanding between the opposing sides in Rwanda, helping to break the vicious circle of violence, and support individual or collective measures to end the carnage.

150. The implementation of a mechanism to protect the civilian population, support for NGOs working to protect human rights in Rwanda, reform of the

judicial system, the disbanding of all violent organizations and a campaign against impunity and arbitrary arrests and detention were among the measures which had been recommended and which, if applied, could have helped Rwanda to avoid violent conflict and move towards national reconciliation.

151. The international community should unequivocally condemn the massacres and murders and demand an immediate and unconditional end to the hostilities so that, under the authority of the United Nations and the OAU, negotiations could be held in the spirit of the Arusha peace agreement.

152. Senegal supported the appointment of a special rapporteur who was fully conversant with the human rights situation in Rwanda and who could submit appropriate recommendations to the Commission as soon as possible.

153. Senegal was also in favour of sending observers to Rwanda to monitor human rights, provided that they enjoyed the support of UNAMIR. The international community should launch a special appeal for funds to pay for a priority assistance programme.

154. Tributes should be paid to UNHCR, ICRC and various NGOs, whose field staff were risking their lives to help the population of Rwanda; to the United Republic of Tanzania, which had made valuable diplomatic efforts to explore a political solution to the conflict in Rwanda and taken in refugees from the conflict; and to the United Nations High Commissioner for Human Rights for his report (E/CN.4/S-3/3). The international community also owed a great debt to the countries which had provided logistical support and troops to help the United Nations operation in Rwanda pursuant to Security Council resolution 918 (1994).

155. Mr. VALENTINO (Observer for Malta) welcomed the visit of the United Nations High Commissioner for Human Rights to Rwanda and his report to the Commission (E/CN.4/S-3/3).

156. The gravity of the situation in Rwanda fully justified the urgent attention of the international community and in particular the Commission. Malta condemned the grave violations of fundamental human rights and international humanitarian law in Rwanda and called for a solution to the appalling tragedy which had entailed the wide-scale killing of civilians.

157. The parties involved in the conflict should respect human rights and humanitarian law, there should be an immediate end to hostilities, and refugees and internally displaced persons should be provided with full assistance and not detained as hostages. It was also vital for all parties to respect the freedom of movement and security of United Nations personnel and peace-keepers and international humanitarian organizations operating in the field.

158. Malta supported the efforts which had been made by a number of delegations to produce a practical and effective resolution for adoption by the Commission, which would reflect the human rights situation in Rwanda and would determine the necessary action-oriented measures designed to protect the victims of the conflict.

159. Malta believed that the most effective way to accomplish that goal was to appoint a special rapporteur acting under the authority of the United Nations. Investigating the human rights situation in Rwanda would be a dangerous and difficult task and the special rapporteur therefore required protection and assistance under a coordinated United Nations mechanism involving UNAMIR in order to fulfil his mandate. It was also necessary to secure adequate financial resources. The special rapporteur should report his findings and recommendations to the members of the Commission on Human Rights, to the Economic and Social Council and to the General Assembly, whereupon the Secretary-General should make the report or reports available to the Security Council.

160. The situation in Rwanda was desperate. Whatever action was foreseen, the political will of the parties to the conflict and the pressure applied by the international community would be vital factors.

161. Mr. NORDMANN (Observer for Switzerland) said that the horrific events in Rwanda were of particular concern to Switzerland, not only because it shared the revulsion of the international community but also because Rwanda and Switzerland had established valuable links through 30 years of close cooperation.

162. Switzerland had welcomed the Arusha peace agreement and had conveyed its deep concern to the authorities in Rwanda over the growing political, economic and social problems in Rwanda.

163. Tribute should be paid to the activities of ICRC. Switzerland had recently reminded the Government of Rwanda of its obligations under the Protocol Additional to the Geneva Conventions relating to the protection of victims of non-international armed conflicts.

164. After commending the United Nations High Commissioner for Human Rights on his report (E/CN.4/S-3/3), he expressed the hope that the resolution to be adopted by the Commission would call for an end to hostilities, condemn the massacres and violations of human rights and humanitarian law in Rwanda in the strongest possible terms and reflect the political dimension of the conflict. The resolution should also point out that the massacres in Rwanda and the destruction of an ethnic group amounted to genocide. Switzerland supported the appointment of a special rapporteur and the dispatch of human rights monitors and shared the desire to bring the perpetrators of human rights violations to account for their actions. In addition, an international criminal court along the lines of the one which had been established for the former Yugoslavia should be set up.

165. Switzerland would respond favourably to any request for financial contributions and for personnel to perform human rights monitoring in Rwanda.

The meeting rose at 7.05 p.m.